

REMARKS

This Amendment and Response to Non-Final Office Action – Restriction and/or Election Requirement is being submitted in response to the non-final Office Action mailed November 8, 2005. Claims 1-31 are pending in the Application. Claims 1-31 are subject to restriction and/or election requirement.

Claims 1-31 – Restriction and/or Election Requirement:

Examiner indicates that restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-14, drawn to the method of using feedback to correct gain error, classified in class 359, subclass 337.11; and

Group II: Claims 15-31, drawn to the optical amplifier utilizing a gain controller, classified in class 359, subclass 341.41.

Applicants hereby elect to prosecute **Claims 15-31 of Group II**, drawn to the optical amplifier utilizing a gain controller, with traverse, and withdraw Claims 1-14 of Group I, drawn to the method of using feedback to correct gain error, without prejudice or disclaimer to continued examination on the merits.

CONCLUSION

Applicants would like to thank Examiner for the attention and consideration accorded the Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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